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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,109	08/08/2001	Millard E. Swatt III	22407-05391	2738
20306	7590	10/13/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				NGUYEN, HAI V
ART UNIT		PAPER NUMBER		
		2142		

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/925,109	SWEATT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 July 2006.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-20,35-37,58 and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 5-20, 35-37, 58 and 60-75 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is in response to the communication received on 24 July 2006.
2. Claims 1-3, 5-20, 35-37, 58 and 60-75 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-20, 35-37, 58 and 60-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. U.S. patent # 6,968,364 B1.

5. As to claim 1, Wong teaches substantially the invention as claimed, including a method for enabling a user to remotely control a media-based device and to access related information from a web portal (*col. 9, lines 21-39; col. 13, lines 1-26; col. 16, lines 39-46*), comprising:

*providing an Application Program Interface (API) (Fig. 3, token application or API 300, col. 14, line 37-50) that, in operation, permits data retrieved (broadcast content or information content or movies or entertainment programs obtained or downloaded) from at least one database (broadcast content database, (col. 10, line 8); or information*

*content obtained is contained in the server, (col. 9, lines 33-36)) concerning the media-based device to fit a format (the PVR may employ a video compression system (e.g., MPEG-2 format) in combination with an analog-to-digital converter for converting analog broadcast signals into suitable digital format or the PRC may receive broadcast signals in a digital format, (col. 2, lines 25-30); the token service system 8 is operable to convert (or translate) program information into a usable format, (col. 7, lines 32-47); the token service system may translate the token to the appropriate local tuning space, (col. 9, lines 8-11)) associated with the web portal (the portal provided by one or more server(s) 20 to program criteria that may be selectively obtained and, in turn, employed to program operation of the recording system, col. 9, line 21-39) (Fig. 1, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27); receiving a user request from the user (a user selection request by an email message, Fig. 5, col. 9, line 65 – col. 10, line 1; col. 30, lines 37-42); and in response to the user request, initiating at least one API routine to retrieve from the at least one database the data concerning the media-based device, the at least one database being in communication with the media-based device through a network (each recipient of the email message sent employs an email reader (e.g., email GUI of Fig. 5) programmed and/or configured to read email and view information related to the tokens provided by the user. The email reader also may be capable of initiating programming of a PVR by forwarding a token, such as by one or more corresponding tokens sent directly to a PVR and, upon authentication, added to the program list. As a result,*

*programs identified by tokens may be recorded by a PVR as they broadcast over the a local tuning space associated with the client system (col. 40, line 13 – col. 41, line 7)).*

6. As to claim 2, Wong teaches transmitting to the user information (*token*) in accordance with the retrieved data (*Figs. 1-5, col. 40, line 13 – col. 41, line 7*).
7. As to claim 3, Wong teaches wherein the web portal is a web server executing a web hosted application (*Fig. 1B, col. 9, line 21 – col. 11, line 20*).
8. As to claim 5, Wong teaches, wherein the user request is in HTTP command format (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).
9. As to claim 6, Wong teaches, wherein the information in accordance with the retrieved data is transmitted in XML format (*col. 14, lines 51-61*).
10. As to claim 7, Wong teaches, wherein the data concerning the media-based device comprises a channel line up corresponding to the media-based device (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).
11. As to claim 8, Wong teaches, wherein the data concerning the media-based device further comprises an electronic program guide based on the media-based device's channel line up within a specified period of time (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).
12. As to claim 9, Wong teaches, wherein the data concerning the media-based device further comprises a list of shows within the media-based device's channel lineup

corresponding to certain value of at least one specified show attribute (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

13. As to claim 10, Wong teaches, wherein the at least one specified show attribute concerns show titles (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

14. As to claim 11, Wong teaches, wherein the at least one specified show attribute concerns actors (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

15. As to claim 12, Wong teaches, wherein the at least one specified show attribute concerns Motion Picture Association's movie ratings (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

16. As to claim 13, Wong teaches, wherein the at least one specified show attribute concerns show descriptions (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

17. As to claim 14, Wong teaches, wherein the data concerning the media-based device comprises values of show attributes of a specified show within the media-based device's channel lineup (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

18. As to claim 15, Wong teaches, wherein the data concerning the media-based device comprises a list of shows recorded by the media-based device (*Figs. 1, 3, 9-11,*

*Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27).*

19. As to claim 16, Wong teaches, wherein the data concerning the media-based device comprises a list of shows scheduled to be recorded by the media-based device

(*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27).*

20. As to claim 17, Wong teaches, wherein the data concerning the media-based device comprises a list of requests to the media-based device for recording specified shows (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27).*

21. As to claim 18, Wong teaches, wherein the at least one database includes a box profile database containing profile of the media-based device, the box profile database being communicatively coupled with the media-based device (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27).*

22. As to claim 19, Wong teaches, wherein the at least one database includes an electronic program guide database (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27).*

23. As to claim 20, Wong teaches, wherein the at least one database includes a box transaction database containing information relating to shows recorded or scheduled to be recorded by the media-based device, and relating to requests to the media-based device for recording specified shows, the box transaction database being

Art Unit: 2142

communicatively coupled with the media-based device (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

24. Claim 35 has similar limitations of claim1; therefore, it is rejected under the same rationale as in claim 1.

25. Claims 36-37 have similar limitations of claims 2-3; therefore, they are rejected under the same rationale as in claims 2-3.

26. As to claim 58, Wong teaches a computer program stored on a computer readable medium and executed by a processor for enabling a user to remotely control a media-based device and to access related information at a web portal, comprising: program code for retrieving from at least one database data concerning the media-based device, in response to a function call received through a network (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*); and

program code for transmitting to the network information in accordance with the retrieved data, the program code being transmitted to an Application Program Interface (API) that enables the web portal to receive an integrated presentation of the media-based device (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

27. As to claim 60, Wong teaches a computer-implemented method stored as a program on a computer readable medium and executed by a processor for enabling a

user to remotely control a media-based device and to access related information from a web portal, the method comprising:

receiving at the web portal an integrated presentation of the media-based device from an Application Program Interface (API) (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*)

receiving an instruction to manipulate data concerning the media-based device; and in response to the instruction to manipulate data, initiating at least one API routine to interact with at least one database data concerning the media-based device, the at least one database being in communication with the media-based device through a network (*Figs. 1, 3, 9-11, Abstract, col.3, line 35 – col. 4, line 58; col. 13, line 63 – col. 16, line 62; col. 23, line 8 – col. 28, line 27*).

28. Claims 61-75 have similar limitations of claims 5, 7-20; therefore, they are rejected under the same rationale as in claims 5, 7-20.

29. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

#### ***Response to Arguments***

30. Applicant's arguments filed on 24 July 2006 have been fully considered but they are not persuasive.

31. In the remark, Applicant argued in substance that:

As to point (A), the prior art does not disclose that, “*an API that permit the content to fit the format and look-and-feel of the particular web portal*” in independent claims 1, 35, 58, 60.

As to point (A), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e., ...to fit the format and look-and-feel of the particular web portal*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Point (B), However, Examiner assumes Applicant implies that Wong does not disclose that, "*an API that permit data to fit a format associated with the web portal*" in *independent claims 1, 35, 58, 60.*

As to point (B), Wong discloses that "*an API 300 or the token application in Figure 3, running at client system, enables interactions with tokens (col. 14, lines 39-41) permitting and controlling the user to record a pay program in a format that substantially unlimited viewing the recorded at an identified PVR that recorded the program or in the format that only limited playback of the recorded program (col. 27, lines 45-67) associated with the portal provided by the server 20 (col. 9, line 21-30)*".

***Conclusion***

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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